

Date: October 19, 2011

To: Delaware Justice Reinvestment Task Force

Subject: Evidence-Based Practices in Community Supervision

From: Vera Institute of Justice, Center on Sentencing and Corrections

To assist the members of the Delaware Justice Reinvestment Task Force to prepare for the October 24, 2011 meeting, this memorandum provides an overview of community corrections, as well as selected readings from supporting materials. The memorandum is organized as follows:

- Part I provides context for community corrections in the criminal justice system.
- Part II defines community corrections
- Part III summarizes emerging best practices in the field.
- The appendices provide materials excerpted for additional reading.

I. COMMUNITY CORRECTIONS IN CONTEXT

The number of persons confined in U.S. prisons and jails has more than quadrupled in the last thirty years; state and county expenditures to house them have grown accordingly. Now, as states and counties face ever-growing budget shortfalls, institutional corrections – often the second largest expenditure from a state’s general fund and a huge item in county spending – is a frequent target for cuts. Legislatures and governors have made the marginal budget reductions and instituted the efficiencies that they can; now, to reduce costs more, they are turning to sentencing law and policy changes to move inmates out of expensive prison and jail beds and onto probation, parole, or pretrial supervision.

With increasing use of community supervision, however, the need to understand what can determine success of community corrections has never been more urgent. There were over five million adults on probation and parole supervision in 2009. If caseloads simply increase, if the quality of supervision is poor, and/or if the resources for treatment and other assistance are not available, the problem will simply have been delayed as overworked officers revoke back to prison or jail those they worry may pose a risk to the community.

Putting more people on supervision with agencies that are not prepared or equipped to handle them also has implications for public safety. If those who might have been in prison and jail are now in the community without appropriate and targeted supervision and services, there will be additional new crimes. Such a scenario would be tragic for the victims of that crime and the surrounding community.

On the other hand, community corrections agencies that incorporate practices supported by good research, are adequately resourced in staff and services, and enjoy the understanding and support of the courts and other policymakers have the potential to achieve great results. They may be the

cheaper alternative to prison or jail, but in addition they have the potential to be a source of positive good for their communities. By keeping offenders in the community and offering supervision, interventions, and services that are responsive to the risk and needs the offenders present, community supervision agencies can actually improve public safety and the viability of neighborhoods.

II. COMMUNITY CORRECTIONS DEFINED

“Community corrections” encompasses individuals who are under the authority of the criminal justice system but who are not in prison or jail. In 2009, over five million people in the U.S. were supervised in the community by the criminal justice system.¹ This figure includes people at many different stages of the criminal court process—during and after the adjudication of criminal cases, and before or after a period of incarceration. Most people under community supervision fall into one of the following categories:

1. Defendants on pretrial release with open, active cases in court;
2. Defendants with open cases who have been diverted to a specialty court or diversion program and who will be convicted and sentenced if they are not successful in the court or program;
3. Offenders who have pled or were found guilty of their charges and are sentenced to a term of community supervision, usually probation, that may include participation in specialized programs like drug courts;
4. Offenders who have completed prison or jail terms but remain on community supervision, usually parole but also probation, for a certain amount of time; and
5. Offenders released from prison or jail to serve the remainders of their sentences in the community on work release or other programs (this may involve probation or parole).

Community supervision includes two very distinct populations with different sets of rights and responsibilities: *defendants* charged with offenses but who are presumed innocent until proven otherwise, and *offenders* who have been deemed responsible for an offense by a court of law. Virtually everyone on community supervision is at risk of being detained or incarcerated upon failure to comply with the conditions of supervision, although the location and duration of detention and incarceration differ (i.e., state prison or local jail, from one day to several years.)

Despite these different populations, in diverse settings and statuses, community corrections can be discussed in a common framework. Many supervision practices, organizational practices, and policies and procedures are common throughout community supervision, regardless of the specific population or setting.

Additionally, a greater use of community corrections across each of these settings can improve communities. Defendants and offenders who are not incarcerated have the opportunity to remain within their families, hold on to employment, and participate in treatment or other programming within the natural context of their lives – as opposed to the setting of a prison or jail. Drug or mental health treatment, job skills training, or behavioral interventions delivered in the community have long been demonstrated to be more effective than those offered behind bars.

¹ L.E. Glaze and T. Bonczar, *Probation and Parole in the United States, 2009* (Washington, D.C.: Department of Justice, Bureau of Justice Assistance, Dec. 2010.)

Contending with the rhythms, schedules, supports, and stresses of life in the free world can be a key factor in success, and the successful completion of treatment and/or training can be vital to living crime-free.

Moreover, community supervision is less costly than incarceration. Total state spending on corrections is now about \$52 billion, the bulk of which is spent on prisons.² In 2008, a survey of 33 states indicated an average of about \$79 per inmate a day, or almost \$29,000 per inmate a year. The average daily costs for managing an offender in the community in the surveyed states ranged from \$3.42 per day for probationers to \$7.47 a day for parolees, or about \$1,250 to \$2,750 a year, respectively.³

The following sections describe the different populations on community supervision in more detail.

Pretrial Release

Once arrested on suspicion of committing a crime, a person has the legal right to be considered by the police or an officer of the court for possible release until the case is disposed. The process by which this determination is made is governed by the policies and practices of several agencies. Law enforcement agencies decide whether to arrest, then whether to cite and release or book into custody; if arrestees are booked, judicial officers typically determine pretrial detention or release. In most jurisdictions, defendants may also be released from custody during the pretrial stage if they are able to post the bail or bond set by a judicial officer or the local bail schedule.⁴

For most of U.S. history, release pretrial was only possible by posting a bond or bail. However, in 1961, the Vera Institute was born out of a project that introduced the concept of release on one's own recognizance based on an objective screening for risk of not returning to court. The Manhattan Bail Project revolutionized the pretrial process. Many jurisdictions now have pretrial services agencies that provide the court with objective investigative reports and recommendations to aid in detention and release decisions. Pretrial services programs can take a number of forms; most commonly, they offer investigative services and provide the court with information essential to a release determination. An assessment of a defendant's likelihood to return to court or be rearrested if released will likely include factors that have proven to be predictive of such results: (1) residential stability; (2) employment stability or full-time activities (such as full-time education); and (3) community ties (such as the presence of immediate family or membership in a church).⁵

Most pretrial services programs also provide alternative release options to bail and bond that do not penalize defendants for lacking financial resources. At the court's direction, they may

² Pew Center on the States, *State of Recidivism: The Revolving Door of America's Prisons* (Washington, DC: The Pew Charitable Trusts, April 2011), p.3.

³ Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: The Pew Charitable Trusts, March 2009), p. 12.

⁴ For example, see the Los Angeles County 2011 Felony Bail Schedule at <http://www.lasuperiorcourt.org/bail/pdf/felony.pdf>.

⁵ M. Katzive, *New Areas for Bail Reform: A Report on the Manhattan Bail Reevaluation Project*, (Vera Institute of Justice, 1968); Pretrial Justice Institute. 2010. "Pretrial Services Program Implementation: A Starter Kit." Washington, D.C., <http://pretrial.org/Reports/PJI%20Reports/PJI%20Pretrial%20Services%20Program%20Implementation%20A%20Starter%20Kit.pdf>.

monitor defendants' whereabouts, remind them of their court dates, or supervise their participation in treatment programming.

There are significant negative consequences for people detained during the pretrial period. Studies have repeatedly shown that defendants detained pending trial are treated more harshly than similarly situated defendants who are released pretrial.⁶ Detained defendants receive more severe sentences, are offered less attractive plea bargains, and are more likely to become "reentry" clients for no other reason than their pretrial detention. There is no more powerful predictor of post-conviction incarceration than pretrial detention.⁷ Pretrial detention may cause other collateral consequences affecting not only the defendant, but his or her family and community. Defendants may lose jobs, housing, and custody of children or other dependents if they are detained for even a short time.

Pretrial release, on the other hand, may be actively beneficial to the final outcome of a case: If a defendant has followed the court's conditions and/or been successful in completing treatment or receiving services prior to sentencing, the court may be more likely to impose a less restrictive, shorter sentence. Conversely, however, if the defendant is released and fails while in the community, the judge may be even harsher at sentencing.

Probation

The largest group of people subject to community supervision is the probation population. In 2009, over 4 million people were on probation (representing 84 percent of the community supervision population).⁸ Probation is a court-ordered period of correctional supervision in the community, usually provided as an alternative to incarceration. Frequently, probation is a suspension of an incarcerative sentence, which can be imposed if the offender fails to complete the probation term successfully. In some cases, probation can be part of a combined sentence of incarceration (either in prison or jail) followed by a period of community supervision. A term of probation may be longer than the suspended jail sentence. For example, it is common to sentence an offender to a year of probation even when the jail term would have been 90 days to six months.

Probation is a creature of the courts: A judge imposes it as part or all of a sentence and sets the rules and conditions of supervision. Many judges "manage" their probation cases actively – ordering the probationer to come to court on a regular basis and overseeing adjudication of any violations of probation rules, in some cases, punishing rules violations harshly. Due to the high incidence of probation revocation, some defense attorneys recommend short jail stays to clients facing less-serious charges over the intensive supervision and possible longer incarceration from revocation.

⁶ See J. Goldkamp, *Two Classes of the Accused: A Study of Bail and Detention in American Justice*. (Cambridge, MA, 1979); see also M. Feeley, *The Process is the Punishment: Handling Cases In A Lower Criminal Court*, 1992. For a comprehensive review of current research, see J. Manns, *Liberty Takings: A Framework for Compensating Pretrial Detainees* (Cambridge, MA: Harvard Law School, 2005.)

⁷ *Ibid.*

⁸ L.E. Glaze and T. Bonczar, *Probation and Parole in the United States, 2009* (Washington, D.C.: Department of Justice, Bureau of Justice Assistance, Dec. 2010.)

If a probationer violates the terms of supervision, either by committing a new offense or by failing to follow a probation rule, such as failing to report for an appointment with his or her officer or to a treatment center, he or she can be arrested and held in a local jail to await adjudication of the violation. If a violation is found and revocation is ordered, probationers can be sentenced to all or part of the suspended sentence.

Specialty Courts

Specialty, or problem-solving, courts have become a common component of criminal justice systems in recent years. While specialty court participants do not comprise a large segment of the supervision population, their numbers are growing and the participants are at high risk of detention. Drug courts, mental health courts, veterans' courts, and others exist to divert individuals with special needs who often have many different kinds of legal and other problems. These individuals are assigned to courts with specially trained staff and judges who "case manage" each individual and his or her varied problems. Some jurisdictions place defendants in specialty courts pre-disposition, and successful completion of the program results in the eradication of the criminal charge. In others, though, the specialty courts are an alternative to incarceration for post-disposition individuals who face significant jail or prison time if they fail to comply with the special conditions of their supervision. The length of supervision in these courts is usually longer than the original sentence, which may act as a disincentive to participate; for example, a 30-day jail sentence may be a "safer" choice for a drug user than a 12-month period of exposure to incarceration for rule violations or committing new offenses. Someone who is sentenced to drug court and fails may ultimately receive a harsher sentence than someone who never agreed to a drug court disposition in the first place.

Parole

Parole, or post-release supervision, is a period of conditional supervised release in the community following a prison term. Parole release is typically granted by a state-level, executive branch parole board, and mandatory supervision is provided by a state corrections agency. Over recent decades, many states abolished discretionary parole release. In those states, prisoners are released at the end of their prison terms, and then placed on shorter-term, mandatory post-release supervision. (This memorandum refers to both parole and post-release supervision as "parole".) Over 800,000 individuals were on parole at year end 2009.⁹

Similar to probationers, if a parolee violates the terms of parole, either by committing a new offense or by failing to follow a parole rule, he or she can be arrested and held in a local jail to await adjudication of the violation. In most states, the parole board decides whether to order revocation and send the parolee back to prison to serve all or a portion of the time remaining on the original sentence.

⁹ L.E. Glaze and T. Bonczar, *Probation and Parole in the United States, 2009* (Washington, D.C.: Department of Justice, Bureau of Justice Assistance, Dec. 2010.)

III. EMERGING BEST PRACTICES

Evidence-Based Practices

Although policymakers have traditionally paid little attention to community supervision agencies, some professionals in the field have been engaged in efforts to bring the past three decades of research to bear on their agencies. However, recent trends that shift the burden from institutional to community corrections are raising alarms, bringing community supervision to policymakers' attention.

The number of people on supervision is staggering: In 2009, one out of every 45 adults in the United States was under some form of criminal justice supervision in the community,¹⁰ and failure rates are very high: Only 65 percent of the 2.1 million adults discharged from probation in 2009 were successful in completing their terms of probation.¹¹ Among the parole population, the numbers were even lower: Only 51 percent of the 573,900 parolees discharged in 2009 fulfilled the conditions of their supervision.¹² In some states, as many as two out of every three prison admissions are for probation and parole revocations.¹³

As recognition has grown of both the high rates of failure and the large proportion of prison admissions due to supervision violations, governors and other policymakers are calling on agencies to implement strategies that succeed in safely transitioning offenders into the community and maintaining them there. The current economic crisis has only increased the pressure on corrections managers to adopt new practices, including the development of evidence-based practices and revised supervision standards.¹⁴ Some state legislatures have even passed bills requiring state parole, probation and other community corrections agencies to redesign their supervision practices to include those with research-demonstrated effectiveness.

As a result of both research findings and pressure from policymakers, corrections practitioners are developing new models of supervision that focus on achieving behavior change: a *behavioral-management approach* to supervision.¹⁵ This approach seeks a successful, crime-free life for offenders in the community; it reframes routine interaction between community corrections officers and the people they supervise as an intervention in which the supervisee is an active participant in developing the supervision and treatment plan. Its characteristics include: (1) using a validated tool to assess the individual's "criminogenic" risk and needs—dynamic risk factors that, when addressed or changed, affect the risk for recidivism (these often include criminal personality; antisocial attitudes, values, and beliefs; low self control; criminal peers; substance abuse; and dysfunctional family); (2) developing a case plan responsive to individual criminogenic needs with realistic and pertinent behavioral goals; (3) engaging supervisees in the change process through positive and negative reinforcements to assist them in achieving their

¹⁰ The Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: 2009).

¹¹ See L.E. Glazer & T.P. Bonczar, Op. Cit., Section 4, Footnote 1.

¹² Ibid.

¹³ Reentry Policy Council, *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community* (New York, NY: Council of State Governments, 2005)

<http://www.reentrypolicy.org/Report/About> (accessed May 11, 2011).

¹⁴ Vera Institute of Justice, *The Continuing Fiscal Crisis in Corrections* (New York, NY: 2010).

¹⁵ Op. Cit., Section 4, Footnote 2.

goals; and (4) recognizing that change happens in incremental steps and allowing learning from small missteps or relapses.¹⁶

The role of a supervision agent in this model shifts significantly, combining enforcement responsibilities with a duty to instruct and model pro-social behavior and create goal-directive contacts; each interaction (e.g., interviews, collateral contacts, phone contacts, etc.) has a clear purpose in securing behavior change. The supervisee's success in the community becomes the definition and measure of the officer's success.

A number of best practices in community supervision will be discussed below, detailing examples from jurisdictions where such practices have been adopted and implemented.

Risk and Needs Assessment Tools

The foundation of good correctional practice is the administration of a validated risk and needs assessment tool. These instruments can assure that individuals are neither over nor under supervised. Risk assessment instruments measure the probability that a person will reoffend. In the pretrial context, risk instruments assess the likelihood of the defendant's not returning for court processes or of being rearrested. Needs assessments identify the criminogenic needs (i.e., the factors linked to criminal behavior) and provide the basis for how supervision, programming, and interventions should be structured.

Assessment tools are used to some degree in all states, at a number of decision points and in a variety of settings. A recent survey of community supervision agencies and releasing authorities conducted by the Vera Institute found that a majority routinely utilizes assessment tools. Responses from 72 agencies across 41 different states indicated that 82 percent of respondents regularly assessed both risk and need. Based on Vera's experience, however, these self-reported numbers are likely inflated, but they do indicate agency awareness of the importance of assessments.

Information from assessment tools is used to guide decisions regarding pretrial release or detention, placement within correctional facilities, assignment to supervision level or to specialized caseloads, release on parole, and recommendations regarding conditions of release. Since the best tools evaluate the individual's dynamic or changeable risk and needs factors, they should be re-administered routinely to decide whether current assignments and plans are still appropriate.

Supervision Based on Level of Risk

A core finding of research on offender behavior is that, contrary to popular belief and common wisdom, supervision and intervention resources are used to best effect on those who pose the highest-risk to public safety. The greatest return, in terms of promoting law-abiding and pro-social behavior, is from supervising moderate-to-high risk offenders more intensively—in terms of both the number and frequency of contacts, services, and interventions.¹⁷ It is thought that

¹⁶ Ibid.

¹⁷ Don Andrews, "Enhancing Adherence to Risk-Need-Responsivity: Making Quality a Matter of Policy," *Criminology and Public Policy* 5, no. 3 (2006): 595-602; S. Aos, M. Miller & E. Drake, *Evidence-Based Adult Correctional Programs: What Works and What Does Not* (Olympia, WA: Washington State Institute for Public

increased and more intensive contacts and programming work with this population because it structures their time in more conventional ways, leaves less time for “hanging out,” and intervenes in their established patterns of thought and socializing. In addition, this group is usually operating with the greatest number of “deficits” (e.g., addiction, anti-social attitudes, low educational achievement, etc.) so addressing even some of these is likely to improve behavior and outcomes.

Conversely, research has shown that ordering low-risk offenders to intensive supervision and programming can be counterproductive: intensive interventions risk disrupting already established pro-social behaviors, activities, or relationships (e.g., jobs, school, parenting, or religious observances), as well as exposing low-level offenders to anti-social attitudes and subcultures, and, in doing so, may in fact *increase* their risk of offending.¹⁸

These findings are often counter-intuitive to judges, paroling authorities, and others who frequently believe that “more is always better” and want to over-intervene with low-level offenders, and who give up on a higher-risk individuals, assuming that resources devoted to them are wasted and that it’s simply a matter of time until they are violated and revoked.

- **Washington State:** The state’s Offender Accountability Act (OAA) requires classifying offenders according to their risk for future offending. By identifying those individuals who pose a higher risk to the community, the Department of Corrections can deploy more staff and resources toward them. It also encourages the department to develop partnerships with local law enforcement and social services to provide appropriate services in the community.¹⁹
- **New York City Department of Probation:** To conserve time and resources for higher risk probationers, the NYC Department of Probation utilizes automated check-in kiosks for low-risk individuals in its population. By 2003, 70 percent of all probationers were using kiosks.²⁰ The system utilizes a biometric hand-scanner to verify the individual’s identity and prompts the individual to verify and update specific information, such as employment status, school information and any re-arrests. Responses are automatically and instantly viewable by probation officers to allow them to follow up with the individual, if necessary.

Policy, 2006); Peggy B. Burke, *Parole Violations Revisited: A Handbook on Strengthening Parole Practices for Public Safety and Successful Offender Transition* (Washington, DC: National Institute of Corrections, 2004); National Research Council Committee on Community Supervision and Desistance from Crime, *Parole, Desistance from Crime and Community Integration* (Washington, DC: National Academies Press, 2007); Reentry Policy Council, *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community* (New York, NY: Council of State Governments, 2005) <http://www.reentrypolicy.org/Report/About> (accessed May 11, 2011); and A.L. Solomon et al., *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes* (Washington, DC: 2008).

¹⁸ Christopher T. Lowenkamp and Edward J. Latessa, “Understanding the Risk Principle: How and Why Correctional Interventions Harm Low-Risk Offenders,” *Topics in Community Corrections* (Washington, DC: National Institute of Corrections, 2004).

¹⁹ R. Moore, & C. Brown Young, *Washington’s Offender Accountability Act*, Corrections Today, (2000).

²⁰ City of New York, Department of Probation, *Reusable Case Management System (KIOSK)* (New York, NY: City of New York, Department of Probation, Office of Information Technology, 2010).

- **Kentucky:** Part of broad legislative package recently passed in Kentucky explicitly requires the Department of Corrections to use risk assessment tools to evaluate the risks that probationers and parolees pose and place low-risk offenders on an “administrative caseload supervision program” designed to monitor individuals only to the extent of ensuring they have not engaged in criminal activity and are fulfilling any financial obligations ordered by the court. The new laws also allow for individuals at a higher level of supervision to eventually move onto the administrative caseload.²¹

Supervision Tied to Needs

A second major finding regarding the supervision of offenders is that in order to impact behavior and produce positive change in an individual, it is critical to understand the social, educational, and cognitive needs of each person. In response, third and fourth “generation” assessment instruments also assess the dynamic needs of individuals that contribute to their criminal behavior and the strengths upon which a case plan might be built. This information can be used to develop an individualized case management plan that directs each individual toward the treatment, education, or services that he or she needs. The incorporation of both strengths and needs in a case plan ensures that the officer does not order an intervention that will interfere with or disrupt these protective factors. It also guides the officer toward recognizing and reinforcing positive behavior during the supervision process. The case management plan prescribes the conditions and programmatic interventions that are required to supervise the offender safely in the community, and it is revisited frequently for the purpose of monitoring progress.²²

Interventions may include mental health or substance abuse treatment, and programming may include education and job assistance programs.

- **Arkansas:** In 2011, Arkansas enacted the Public Safety Improvement Act, which requires probation and parole officers to develop case plans for every individual designated moderate or high risk by a validated risk assessment tool. The case plan is an individualized strategy to help modify behavior and create accountability by targeting the individual’s specific criminal risk factors, such as antisocial thinking, low levels of education or employment, and substance abuse (SB 750, 2011).

Enhanced Resources for the Riskiest Cases

As indicated, many supervision agencies waste valuable resources – both in staff time and in purchased services – on low-risk offenders who will not only not benefit but may be harmed by too much supervision and programming. By redirecting existing resources, as New York City Probation did with its introduction of kiosk reporting, agencies can provide additional intensive supervision, treatment, and services that medium and high-risk parolees and probationers need. However, those saved dollars and time are usually not sufficient to have the impact that is needed to improve public safety. States and counties must invest new resources to provide the staff time and proven interventions that can help high-risk cases succeed – and make communities safer. This means more officers, lower caseloads, better training, and funds to purchase services and treatment for medium and high-risk offenders.

²¹ KY HB 463, 2011.

²² See Faye S. Taxman, Op. Cit., Section 4, Footnote 2.

Redefinition of Agency Goals and Officers' Roles

The implementation of the practices described above and increasingly supported by research will not be successful if the implementation is not part of a larger effort to reshape the mission of the supervision agency and redefine the role of supervision officers. These agencies have for so long been organized around an enforcement and surveillance approach; they recruited would-be police officers and focused training on traditional law-enforcement skills. Changing to a mission of producing public safety through the success of those they supervise (rather than catching failure) is a significant undertaking. Everything from job descriptions, officer training, promotion criteria, and reward structures must be reviewed and adapted. In many ways, the transformation that is sought is a mirror of what the agency is seeking in its parolees and probationers: new values, new ways of thinking, new skills.

A significant part of this transformation involves providing officers with the skills to assess their supervisees accurately, interact with them effectively, motivate them to change, and understand the services and interventions that will support the desired change. For many agencies, facing budget restraints, investing in extensive officer training is hard to justify. However, without it, other investments – whether in assessment tools or service contracts – will be fruitless.

Graduated Responses and Incentives

Revocation is a severe, expensive, and not necessarily effective sanction for some supervision violations. Yet officers often express their fear that if they don't revoke for violations and a serious offense is committed, the officer and her agency will be liable. And for agencies with a primarily law enforcement culture, thinking about alternatives may not be easy. Many jurisdictions, therefore, have formally adopted a system of graduated responses for rules violations. These offer legal protection and encouragement for individual officers while changing organizational culture.

A growing body of research has established the importance of responding to every infraction; the key is to respond appropriately and proportionately. From a missed appointment to a failed drug test, there are many behaviors that can be safely met with prompt, defined sanctions that are proportional to the violation and address the reasons the violation occurred.²³ Some parole offices in New York State, for example, issue what they call “desk appearance tickets” for rule-breaking – subjecting the parolee to a meeting with both his or her officer and the office supervisor for a reprimand and an explanation of the seriousness of violations and their potential consequences. Judges can perform a similar role for probationers.

Providing officers with continuum of sanctions for responding to violations, with options that may include enhanced or intensified treatment for underlying problems as well as low-intensity responses like a new curfew or travel restrictions for a time, allow officers to respond readily to EVERY violation while freeing them to continue working with their supervisees through difficult times.

²³ P. B. Burke, *Parole Violations Revisited: A Handbook on Strengthening Parole Practices for Public Safety and Successful Transition to the Community* (Washington, DC: U.S. Department of Justice, National Institute of Corrections, 2004); P. B. Burke, A. Gelb, & J. Horowitz, *When Offenders Break the Rules: Smart Responses to Parole and Probation Violations* (Washington, DC: Pew Center on the States, 2007).

Some states supplement these with secure residential options, “half-way back” programs, which can be effective if they include intensive treatment and parolees are placed there immediately. Another, less intrusive alternative to revocation is the day reporting center. Typically, supervisees who are required to participate in day reporting centers live at home but are required to report to the center daily, weekly, or otherwise, depending on the level of risk and needs.²⁴ These centers can structure free time while incorporating rehabilitative opportunities, such as substance abuse treatment, educational and vocational skills trainings, together with surveillance and accountability activities (e.g., drug testing). Research has demonstrated that day treatment centers reduce recidivism and keep communities safer.²⁵

Responding to every event with a sanction or an intervention and having a variety of options at hand are useful in preventing future offenses and less expensive than revocation.²⁶ This approach frequently utilizes a response grid that provides a menu of options that are selected and applied based on the severity of the violation and the offender’s risk level.

An effective system of graduated responses should also incorporate *incentives and rewards*. Research indicates that a ratio of at least four positive to every one negative reinforcement (4:1) is most effective for promoting behavior change.²⁷ Corrections agencies can use positive reinforcement to encourage offenders to accomplish positive behavior change.

- **Oregon:** Oregon has used a graduated response system since 1993.²⁸ It allows officers to promptly apply graduated intermediate sanctions for certain violations without having to go through a court hearing process. To make the system less subjective, the department utilizes a grid to determine appropriate sanctions for various types of behavior. In 2002, the department conducted a study of the effectiveness of this system and found that: (1) individuals sanctioned with community service were the least likely to recidivate in the future; (2) increased jail time was associated with higher rates of recidivism; and (3) treatment and rehabilitation were more successful sanctions than surveillance or enforcement.²⁹
- **Kansas:** Kansas has developed a sophisticated Behavior Adjustment Response Guide (“BRAG”) to help guide officers’ decisions regarding sanctions and rewards.³⁰ Officers

²⁴ D.W. Diggs, *Day Reporting Centers as An Effective Correctional Sanction* (Tallahassee, FL: Florida Department of Law Enforcement, Senior Leadership Program, 1993).

²⁵ C. Martin, A. Lurigio, & D. Olson, “An examination of rearrests and reincarcerations among discharged day reporting center clients.” *Federal Probation* 67, no. 1 (2003), 24-30; and R.K. Van Vleet, A.O. Hickert, E.E. Becker, *Evaluation of the Salt Lake County Day Reporting Center* (Salt Lake City, UT: Utah Criminal Justice Center, 2006).

²⁶ F. Taxman, et al. *Graduated Sanctions: Stepping Into Accountable Systems and Offenders*, *Prison Journal* 79 no. 2 (1999): 182-204.

²⁷ P. Gendreau, P. & C. Goggin, *Correctional Treatment: Accomplishments and Realities*, *Correctional Counseling and Rehabilitation*, edited by P. V. Voorhis, M. Braswell and D. Lester (Cincinnati, OH: 1997).

²⁸ A.L. Solomon, et al., *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes* (Washington, DC: The Urban Institute, 2008).

²⁹ Oregon Department of Corrections, *The Effectiveness of Community-Based Sanctions in Reducing Recidivism* (Salem, OR: Oregon Department of Corrections, 2002).

³⁰ Although this practice is focused on parole, it can also be applicable to probation practices. See The Pew Center on the States, *Putting Public Safety First: 13 Strategies for Successful Supervision and Reentry*, *Public Safety Policy Brief* (Washington, DC: The Pew Center on the States, 2008).

work with supervisees to develop a comprehensive case plan targeting particular risks and needs as well as developing goals and action steps for the individual. When there is a violation, officers refer to the grid of appropriate sanctions. Negative responses may include a more restrictive curfew, GPS monitoring, or day reporting. Positive responses, such as a letter of recognition or a certificate of progress for remaining substance-free, are also included in the grid to ensure that officers reward compliant behavior.³¹

- **Multnomah County, Oregon:** The Day Reporting Center in Multnomah County is a highly-structured sanction and intervention program for those who commit probation violations. Counselors work with participants to address high risk and need behaviors, providing services to assist with drug abuse, impulsivity, anti-social thinking, lack of employment and education, and mental health concerns.³² An evaluation found that this type of programming led to a reduction in recidivism.³³ The study also found that those who successfully completed the program (i.e., completed two-thirds of their case objectives) typically received significantly more services during their time at the Center than those who were unsuccessful.
- **Los Angeles and Merced Counties, California:** In 2008, Los Angeles and Merced Counties opened day reporting centers focusing on individuals between the ages of 18 and 25. The Los Angeles Day Center targets young probationers who are gang affiliated or at risk of gang involvement.³⁴ Participants receive services, including mental health and substance abuse counseling, classes for the high school equivalency test, computer training and career guidance. Classes on moral reasoning, anger management and life skills are required. Merced County's Center is specifically designed for individuals considered medium or high risk.³⁵ There are four levels of supervision; each client begins at the most intensive and can move to lower levels by compliance with conditions. Breathalyzer and drug tests are administered regularly. Participants receive intensive programming, including weekly case management meetings and six to ten hours of classes per week, which can include education, employment readiness, parenting skills, and anger management.³⁶ Once a participant completes the first three levels, he or she is eligible for aftercare, during which the participant checks in once a week and attends a

³¹ Kansas Department of Corrections, *Kansas Behavior Response / Adjustment Grid*, available at <http://www.doc.ks.gov/kdoc-policies/impp/chapter-14/14137.pdf> (accessed May 12, 2010).

³² Multnomah County Oregon Department of Community Justice, "Day Reporting Center – Adult," available at <http://www.co.multnomah.or.us/dcj/acjdreport.shtml> (accessed May 13, 2010).

³³ C. Rhyne, *Day Reporting Center Evaluation* (Portland, OR: Multnomah County Department of Community Justice, Research and Evaluation Services, 2005).

³⁴ R. Taylor, *Letter to the Board of Supervisors Re: Approval of a Non-Financial Standardized Agreement at an Adult Day Reporting Center*, (Los Angeles, CA: Los Angeles County Department of Probation, November 5, 2008) available at <http://file.lacounty.gov/bos/supdocs/45577.pdf> (accessed September 15, 2010).

³⁵ Chief Probation Officers of California, *The Role of the Probation Department in the Adult Day Reporting Center*, available at http://www.cpoc.org/php/FeaturedProg/merced_jun09/merced.php (accessed September 8, 2010). Sex offenders are excluded from the program because of its close proximity to the juvenile center.

³⁶ Merced County Probation, *Merced Adult Day Reporting Center Program Orientation Handbook*, available at http://www.cpoc.org/php/FeaturedProg/merced_jun09/08_02orientation_MercedDRC_printers.pdf (accessed September 8, 2010).

monthly group session. The results are promising—graduates demonstrate a 36 percent drop in assessed risk to the community.³⁷

CONCLUSION

At a moment when state and local governments are pursuing sentencing and policy changes that would have been unthinkable five years ago, it is essential that far greater attention be paid to and resources invested in community corrections and supervision. If policymakers make knowledgeable choices and the agencies themselves are able to access the assistance they need, community corrections has the potential to transform lives and communities.

³⁷ BI Incorporated, *Merced County Day Reporting Center to hold Transition Celebration for criminal offenders who complete intensive program*, available at http://www.bi.com/100405_merced_drc_transition (accessed September 8, 2010).

Appendix A

Excerpt from Implementing Evidence Based
Practices
(Center for Effective Public Policy 2010)

COACHING PACKET

Implementing Evidence-Based Practices

Revised, January 2010

One in a series of Coaching Packets designed to assist jurisdictions in the implementation of effective practices that will support successful offender outcomes

Authors: Frank Domurad, The Carey Group
and Mark Carey, The Carey Group

Editor: Madeline M. Carter, Center for Effective Public Policy

2009

Section I: An Overview of Evidence-Based Practices

Governments around the world are moving to align their programs and services with what is known as Evidence-Based Policy and Practices (EBP). Starting in the medical profession two decades ago, EBP asserts that public policy and practice must be based on the best available scientific evidence in order to be effective in the achievement of its goals and to be efficient in the use of taxpayers' dollars. Failure to match services to rigorous evidentiary standards not only wastes precious public resources but can even lead to an exacerbation rather than improvement of the problems and issues that government is attempting to address.

The Rationale for Adopting Evidence-Based Approaches in Correctional Practice

According to the U.S. Department of Justice, Bureau of Justice Statistics, 6 % of individuals released from prison are rearrested within three years of discharge. An estimated 30% of probationers supervised in the community are reconvicted for a new crime. Despite changes in laws, sentencing practices, and intervention approaches, these recidivism rates have remained relatively stable for decades.²

However, research over the past two decades demonstrates that a 30% reduction in recidivism is possible³ if current knowledge – “evidence-based practices” – is applied with fidelity. No longer is the challenge understanding *what* we need to do to positively influence offender behavior; instead, the challenge is *doing it*. Practically speaking, adopting an evidence-based practices approach means restructuring the way in which we do business – in our jails and prisons, in probation and parole, and among judges, prosecutors, and others – so that organizational structures and cultures enable rather than hinder the implementation of programs and services that are known to work in reducing criminal behavior.

Defining Key Terms

Evidence-Based Knowledge: Conclusions drawn from rigorous research studies that have been replicated numerous times with defined, measurable outcomes about the effectiveness of an intervention or process.

Evidence-Based Practices: The application of empirical research to professional practice.

Evidence-Based Principles: The eight “principles” of evidence-based practices that have been derived from the research on risk reduction.

SUMMARY OF THE RESEARCH.

The evidence from the research over the last two decades is clear and compelling regarding recidivism reduction. While there are hundreds of studies relevant to effective offender reentry, the research conclusions listed in Exhibit 1, *Core EBP Findings*, are perhaps among the most clear and fundamental to the work performed by corrections professionals and their partners aimed at reducing the likelihood that offenders released from prison will reoffend in the future.

² Andrews Bonta, 1998; Hughes Wilson, 2005.

³ See Andrews Bonta, 1998.

Exhibit 1: CORE EBP FINDINGS

Finding	Examples of Implications for Reentry
<ul style="list-style-type: none"> ➤ Services should be targeted to those offenders who are assessed at medium or high risk to reoffend. Offenders who are at low risk to reoffend are unlikely to benefit from a correctional intervention designed to change their behavior. (Andrews, 200 ; Andrews Bonta, 200 ; Andrews, Bonta, Wormith, 2006; Andrews Dowden, 200 ; Andrews, Dowden, Gendreau, 1999; Bonta, 200 ; Dowden, 1998; Gendreau, Goggin, Little, 1996; Lipsey Cullen, 200) 	<ul style="list-style-type: none"> ➤ Assess the risk level of offenders to determine who (i.e., medium and high risk) should get services and the length and intensity of those services.
<ul style="list-style-type: none"> ➤ Low risk offenders tend to recidivate at higher rates when services/interventions are over-delivered. (Andrews Bonta, 200 ; Cullen Gendreau, 2000; Gendreau, Goggin, Cullen, Andrews, 2001; Lowenkamp Latessa, 2004; Lowenkamp, Latessa, Holsinger, 2006) 	<ul style="list-style-type: none"> ➤ Give the low risk offender stabilization services (e.g., housing, medical, transportation) rather than those that target behavioral change.
<ul style="list-style-type: none"> ➤ Offenders who are at extremely high risk might be able to benefit from an intervention; however, the length of time and intensity of the intervention will likely exceed the resource capacity of most agencies. (Skeem, 2008; Skeem, Polascheck, Manchak, 2009; Stewart Smith, 200 ; Wojciechowski, 2002) 	<ul style="list-style-type: none"> ➤ Target interventions to medium and high (rather than low and extremely high) risk offenders.
<ul style="list-style-type: none"> ➤ Empirically-based assessment tools provide a more accurate statistical probability of reoffense than professional judgment alone. (Andrews Bonta, 1998; Andrews et al., 1990; Gendreau et al., 1996; Grove et al., 2000; Grove Meehl, 1996) 	<ul style="list-style-type: none"> ➤ Administer an empirically-based risk assessment tool.
<ul style="list-style-type: none"> ➤ Risk of recidivism is greatly reduced when attention is paid to criminogenic needs (dynamic risk factors) such as antisocial attitudes, beliefs and values, antisocial peers, and certain personality and temperamental factors. There is a clear association between the number of criminogenic needs targeted and reduced recidivism; the higher the number of needs targeted, the lower the rate of recidivism. (Andrews, 200 ; Andrews et al., 1990) 	<ul style="list-style-type: none"> ➤ Use assessment instruments to identify criminogenic needs. ➤ Train staff to understand criminogenic needs and how to effectively address these in case management planning. ➤ Have available programs and services to address the full range of criminogenic needs. ➤ Direct, through policy, that staff address the top three (or more) criminogenic needs in case management planning. ➤ Match offenders' programming and services to their assessed criminogenic needs.

Exhibit 1: CORE EBP FINDINGS

Finding	Examples of Implications for Reentry
<ul style="list-style-type: none"> ➤ The most impactful programs aimed at changing criminal behavior and reducing recidivism are cognitive-behavioral and behavioral interventions. (Andrews, 2000 ; Aos, Miller, Drake, 2006; Landenberger Lipsey, 2005; Lipsey Landenberger, 2006; Lipsey, Landenberger, Wilson, 2000) 	<ul style="list-style-type: none"> ➤ Have available cognitive behavioral programs for the medium and high risk offenders.
<ul style="list-style-type: none"> ➤ The use of incentives can be a powerful tool to enhance individual motivation in meeting case plan goals and for promoting positive behavioral change. (Andrews and Bonta, 2006; Cullen Gendreau, 2000; Drake Barnoski, 2008; Latessa, Cullen, Gendreau, 2002; National Research Council, 2000 ; Petersilia, 2000 ; Petersilia, 2004; Taxman, Soule, Gelb, 1999) 	<ul style="list-style-type: none"> ➤ Develop policies around rewards that staff can use to encourage pro-social behavior (such as letters of affirmation, reduced reporting requirements, bus passes, and early termination).
<ul style="list-style-type: none"> ➤ Graduated sanctions (i.e., sanctions that increase in severity based on the nature or number of violations) decrease recidivism. (Andrews Janes, 2006; Burke, 2004; Harrell et al., 2003; Hay, 2001; Taxman, Soule, Gelb, 1999; Taylor Martin, 2006) 	<ul style="list-style-type: none"> ➤ Develop a violation decision-making guideline that takes into account the risk of the offender and the severity of the violation behavior.
<ul style="list-style-type: none"> ➤ The quality of the interpersonal relationship between staff and the offender, along with the skills of staff, may be as or more important to risk reduction than the specific programs in which offenders participate. (Andrews, 2000 ; Andrews, 1980; Andrews Bonta, 1998; Andrews Carvell, 1998; Dowden Andrews, 2004) 	<ul style="list-style-type: none"> ➤ Train staff in core correctional practices that include relationship building and skill practice with offenders.
<ul style="list-style-type: none"> ➤ Risk of recidivism is highest in the initial weeks and months following release from prison; recidivism rates stabilize in years two and three. (National Resource Council, 2000) 	<ul style="list-style-type: none"> ➤ Front load supervision and support services for reentering offenders, providing more intensive services initially, and then diminishing the intensity over time as offenders' behavior dictates.

Key Research Findings: The Principles of Evidence-Based Practice

In 2003, the National Institute of Corrections (NIC), in collaboration with the Crime and Justice Institute, assembled leading scholars and practitioners from the fields of criminal justice and corrections to define the core elements of EBP based upon the “what works” research.⁴ They identified eight evidence-based principles for effectively intervening with offenders. These eight principles serve as the foundation for agencies interested in grounding policy and practice in the principles of effective intervention in order to reduce recidivism among the offender population.

Eight Evidence-Based Principles for Effective Interventions

1. Assess actuarial risk/needs.
2. Enhance intrinsic motivation.
3. Target Interventions.
 - a. *Risk Principle*: Prioritize supervision and treatment resources for higher risk offenders.
 - b. *Need Principle*: Target interventions to criminogenic needs.
 - c. *Responsivity Principle*: Be responsive to temperament, learning style, motivation, culture, and gender when assigning offenders to programs.
 - d. *Dosage*: Structure 40- 0% of high-risk offenders’ time for 3-9 months.
 - e. *Treatment*: Integrate treatment into sentence/sanction requirements.
4. Skill train with directed practice (use cognitive behavioral treatment methods).
5. Increase positive reinforcement.
6. Engage ongoing support in natural communities.
 - . Measure relevant processes/practices.
8. Provide measurement feedback.

1. ASSESS ACTUARIAL RISK/NEEDS.

Research demonstrates that aligning level of intervention with the level of risk produces the best outcomes (as defined by the greatest risk reduction). Empirically-based, actuarial instruments enable professionals to assess the level of risk an individual offender is likely to pose. While these instruments cannot determine any one individual’s risk level with absolute certainty, they can – like the actuarial tools used to determine that a 1 year old boy is more likely to get into a traffic accident than a 40 year old woman – identify the outcome of large groups of individuals with similar characteristics. Actuarial instruments assess both static (unchangeable, historical) risk factors and dynamic (changeable) risk factors. Because these instruments measure factors that change over time, they should be re-administered on a periodic basis (e.g., every six months).

⁴ See Bogue et al., 2004.

Common Historical Risk Factors (Static Risk Factors)

- Age at first arrest
- Current age
- Gender
- Criminal history

Common Criminogenic Needs (Dynamic Risk Factors)

- Anti-social attitudes, cognitions
- Anti-social associates, peers
- Anti-social behavior
- Family, marital stressors
- Substance abuse
- Lack of employment stability, achievement
- Lack of educational achievement
- Lack of pro-social leisure activities

2. ENHANCE INTRINSIC MOTIVATION.

Motivation can be externally or internally driven. Many offenders become motivated to take action in order to avoid the penalties the justice system might impose. Or, their illegal acts may be causing other negative consequences such as marital conflict or financial loss, which provide at least momentary motivation to change. In addition, the coercive power of the court and the threat of loss of liberty can be very effective initial incentives for offender cooperation. However, for the offender to stay motivated and to truly embrace behavior change over time, something more powerful than external motivators is necessary.

Research demonstrates that motivation can be influenced by corrections professionals' interactions with offenders.⁵ Effective interactions are supported by genuine traits such as warmth and effective use of authority; and techniques such as rolling with resistance, developing discrepancy, and supporting self-efficacy. Staff trained in these relationship skills and interviewing techniques are more likely to glean more information from offenders and assist offenders in marshaling the internal motivation that is at the core of long-lasting change.⁶

⁵ Castonguay Beutler, 2006.

⁶ See Ginsberg et al., 2002; Harper Hardy, 2000; Miller Mount, 2001; Miller Rollnick, 2002; Ryan Deci, 2000.

**Level of Service Inventory-Revised:
Percent Chance of Recidivism within One Year**

LSI Total Score (Raw Score)	Percent Chance of Recidivism
0 to 5	9%
6 to 10	20%
11 to 15	25%
16 to 20	30%
21 to 25	40%
26 to 30	43%
31 to 35	50%
36 to 40	53%
41 to 45	58%
46 to 50	69%
50 to 54	< 0%

This table illustrates the predictive strength of an empirically-based risk assessment instrument, the Level of Service Inventory-Revised (LSI-R). This instrument is one example of many that are available to assess risk for recidivism.

Source: Andrews, D.A. Bonta, J.L. (2003). *The Level of Service Inventory-Revised. U.S. Norms Manual Supplement*. Toronto: Multi-Health Systems.

3. TARGET INTERVENTIONS.

The following considerations should influence the determination of the proper intervention for an individual offender, whether while incarcerated, at the point of transition and reentry, or following release.

- A. Risk.** Target supervision and case management services based upon risk level. Reserve high intensity programs, services, supervision and surveillance techniques for those assessed as high risk. These interventions might include frequent urinalysis, frequent field and office visits, electronic monitoring, GPS, and/or curfew. Lower risk offenders are more likely to succeed with less intensive supervision. However, while they may need less intensive intervention and less frequent contact, they are likely to need assistance with stabilization services such as housing, medication, and transportation.

- B. *Need.*** Target behavioral-change strategies based on assessed criminogenic needs. Higher risk offenders are likely to have multiple risk factors; they are also likely to have elevated scores on the most influential risk factors (i.e., anti-social thinking, emotional regulation/anti-social personality, anti-social peers, and family conflict). Interventions should be individualized by basing program and other intervention choices on the results of the risk/needs assessment.

Common Risk/Needs Assessment Instruments

- Level of Service Inventory-Revised (LSI-R)
- Violence Risk Appraisal Guide (VRAG)
- Wisconsin Risk and Needs
- Historical, Clinical, and Risk Management Factors (HCR-20)
- Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)

- C. *Responsivity.*** Match interventions to the characteristics of individual offenders. Offenders have a wide variety of individual traits (mental health condition, gender, cultural background, level of motivation, learning style, intelligence level) that must be considered when selecting the intervention that is most likely to achieve their intended outcomes. Program interventions that fail to address these traits can hinder successful programming. In addition, research demonstrates that the style of the professional and the match between offender and practitioner influences outcome.

- D. *Dosage.*** As a general rule, medium risk offenders should receive a total of 100 hours of intervention over the course of a 3-9 month period of time, while higher risk offenders need 200-300 hours over 6-12 months.⁸ Intervention hours are typically accumulated through participation in structured treatment programs; however, time spent between offenders and other professionals (e.g., supervision officers, reentry managers, etc.) that is focused on criminogenic needs also contribute to fulfilling dosage requirements. In addition, higher risk offenders require significantly more structure than lower risk offenders, at least until the higher risk offenders begin to internalize motivation and pro-social behaviors. For higher risk offenders, structure 40 to 0% of offenders' free time in the community over a three to a nine month period. This structure can consist of a cluster of activities that both limit the offender's ability to engage in unlawful acts and maximize exposure to pro-social influences. For example, these activities might include structured recreation, parole

Andrews Bonta, 200 ; Cullen Gendreau, 2000.
⁸ Bourgon Armstrong, 2005.

supervision, meeting with a mentor, participating in treatment, attending AA, going to work, or participating in tutoring services.

E. Treatment. Provide appropriate services based on risk, need, and responsivity considerations. Given the diversity of criminogenic needs, many forms of interventions need to be available (e.g., employment assistance, substance abuse programming, mentoring services). However, the most effective form of programming for most medium and high risk offenders is cognitive-behavioral. Cognitive-behavioral programs address anti-social thinking patterns, build problem solving skills, and apply behavioral techniques that equip the offender with new thinking and skills through repetition and increasingly difficult practice sessions. Case management plans should indicate the criminogenic needs being addressed, and the interventions and services selected to specifically address them. Lower risk offenders can also benefit from services, but these should be delivered at lower doses and may focus more heavily on stabilization factors than criminogenic needs.

4. SKILL TRAIN WITH DIRECTED PRACTICE.

Ensure that the staff delivering programming and those providing supervision are trained in the skills that can influence behavior change. All staff should understand social learning theory⁹ and have skills in effective communication techniques. Offenders who participate in treatment need other professionals (corrections officers, probation/parole officers, mentors) to support and encourage the development of their new skills. And for those offenders unable to participate in programs due to capacity limits, geographic concerns or financial constraints, the ability of the professionals with whom those offenders interact is even more important. Even in the absence of cognitive-behavioral programs, these professionals can teach offenders concrete skills through practice sessions (e.g., how to effectively problem solve, how to ask for help, how to regulate emotions).

If an unskilled laborer was provided with a blueprint, would they be expected to produce a well-constructed building?

Even effective program designs, if delivered by staff that lack the requisite skills, are unlikely to produce positive results.

5. INCREASE POSITIVE REINFORCEMENT.

Research demonstrates that a ratio of four positive affirmations for every expression of disapproval/confrontation has a positive effect on behavioral change.¹⁰ Most correctional agencies have approaches geared toward confronting and sanctioning unwanted behavior; few have structured policies and practices in place to systematically reward positive behavior. Yet research shows that the use of incentives and rewards is a much more

⁹ Social learning theory asserts that people learn and adopt new behaviors through positive and negative reinforcement, observation, and skill practice (see Bandura, 1977; 1969).

¹⁰ Andrews, Bonta, 2006; Gendreau, 1996; Gendreau & Goggin, 1996; Gendreau, Little, & Goggin, 1996; Gendreau & Paparozzi, 1995.

powerful tool in our efforts to motivate and encourage offenders along the path of pro-social change. Focusing on positive reinforcement does not negate the need to sanction or otherwise express disapproval when negative behavior does occur. For sanctions to be effective, they should be swift, certain, proportional and, most importantly, outweighed by expressions of approval.



6. ENGAGE ONGOING SUPPORT IN NATURAL COMMUNITIES.

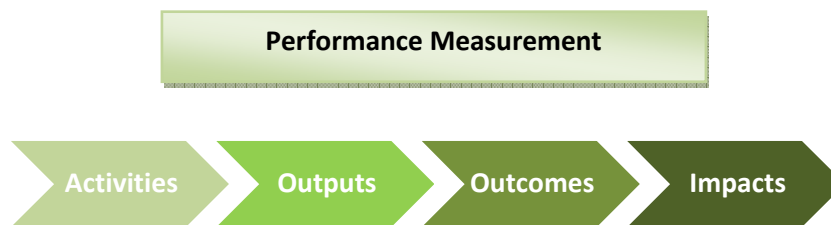
Research indicates that positive outcomes (i.e., reductions in violations and new crime behavior) are more likely to be achieved when offenders' significant others are engaged in their case plans and when offenders have meaningful connections to the pro-social community.¹¹ Pro-social, community-based networks (both people and activities) provide opportunities for offenders to strengthen their own pro-social skills by engaging with others who possess the attitudes and behaviors – and participate in the activities – that offenders will hopefully emulate. Furthermore, family members and significant others (including employers, teachers, mentors, spiritual leaders, etc.) can best support offenders when they are aware of the work offenders are undertaking, the skills they are developing, and can support offenders as they practice these new skills in their natural environments. Corrections professionals who develop skills in brokering support between offenders and those in their natural communities are best equipped to support long-term behavioral change.

7. MEASURE RELEVANT PROCESSES/PRACTICES.

It is not enough to adopt practices that have been proven to work elsewhere. Every agency and jurisdiction needs to establish methods and processes to determine if their own policies and practices are producing the desired results. For this reason, the ongoing collection and analysis of data and information is of paramount importance.

¹¹ Bonta et al., 2002; Clear Sumter, 2002; Elgelko et al., 1998; Emrick et al., 1993; Galanter, 1993; Higgins Silverman, 1999; Meyers Smith, 199 ; Meyers et al., 2002; O'Connor Perryclear, 2003; Shapiro Schwartz, 2001.

Because a variety of factors can diminish the effectiveness of practices (e.g., applying an intervention designed for one population of offenders to another; errors in implementation; improperly trained staff), fidelity measures should be carefully constructed and put into place, with quality assurance oversight as a separate but related function. Measures should include activities (e.g., line staff trained on principles and use of risk assessment instruments), outputs (e.g., number and percentage of staff trained), intermediate outcomes (e.g., match between services delivered and criminogenic needs), and impact (e.g., decreases in technical violations, improvements in recidivism rates).



8. MEASUREMENT FEEDBACK.

The value in measurement is not in the doing, but in the *knowing*. Therefore, once performance measurement data are collected and analyzed, findings should be shared with a variety of people. This information is useful at the individual offender level, staff level, program/agency level, and jurisdiction-wide.¹²

- ✓ Feedback to offenders reinforces accountability (for both offenders and for staff). It can also increase motivation to change, particularly when offenders observe connections among the positive actions (i.e., keeping scheduled appointments, attending work as scheduled, positive recreational time with their families, etc.), positive rewards (i.e., promotions and wage increases, improved interpersonal relationships, educational achievement, etc.), and a reduction in disapprovals/sanctions (fewer technical violations, decreased alcohol/drug relapses, fewer incidents of marital conflict).
- ✓ Feedback to staff (at all levels, in all positions) supports individual and unit improvement and reinforces the importance of EBP activities.
- ✓ Feedback to programs/agencies supports evaluation of the degree to which goals are being met.
- ✓ Feedback to jurisdictions enables a broad array of stakeholders to assess the extent to which the system as a whole is meeting its stated purposes and operating efficiently and effectively.

¹² See the Coaching Packet on Measuring the Impact of Reentry Efforts for a more complete discussion of these issues.

Appendix B

Excerpt from Implementing Evidence-Based
Policy and Practice in Community
Corrections
(Crime and Justice Institute 2009)



IMPLEMENTING EVIDENCE-BASED POLICY AND PRACTICE IN COMMUNITY CORRECTIONS

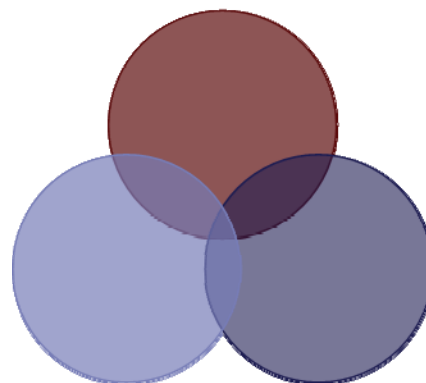
Second Edition

October 2009

Contributors to Second Edition:

Meghan Guevara, Crime and Justice Institute
and Enver Solomon

for the Crime and Justice Institute and
the National Institute of Corrections



Contributors to First Edition:

Brad Bogue, Nancy Campbell, Mark Carey, Elyse Clawson, Dot Faust, Kate Florio, Lore Joplin, George Keiser, Billy Wasson, & William Woodward

CHAPTER 3: THE PRINCIPLES OF EFFECTIVE INTERVENTION

The current research on offender rehabilitation and behavioral change is now sufficient to enable corrections to make meaningful inferences regarding what works in the field to reduce recidivism and improve public safety. Based upon previous compilations of research findings and recommendations (Aos et al, 2006; Andrews and Bonta, 2006; Burrell, 2000; Carey, 2002; Currie, 1998; Corbett et al, 2000; Gendreau & Andrews, 2001; McGuire, 2002; Latessa et al, 2002; Sherman et al, 1998; Taxman & Byrne, 2001), there now exists a coherent framework of guiding principles. This chapter describes those principles, as well as effective approaches for interacting with offenders. However, the principles should be reviewed with the caveat that while they represent the state of the art in corrections at the time this paper was written, research is always evolving, and principles of effectiveness will change with time.

Research does not support each of these principles with equal volume and quality, and even if it did, each principle would not necessarily have a similar impact on outcomes. Too often programs or practices are promoted as having research support without any regard for either the quality or the methodology of the underlying research. As part of the model development process, a research support gradient was established, indicating current research support for each principle (see Appendix A). All of the principles outlined in this chapter fall between the gold standard and the bronze standard set out in the research support gradient.

1. Eight Evidence-Based Principles for Effective Intervention

1. Assess Actuarial Risk/Needs.
2. Enhance Intrinsic Motivation.
3. Target Interventions.
 - a. *Risk Principle*: Prioritize supervision and treatment resources for higher risk offenders.
 - b. *Need Principle*: Target interventions to criminogenic needs.
 - c. *Responsivity Principle*: Be responsive to temperament, learning style, motivation, culture, and gender when assigning programs.
 - d. *Dosage*: Structure 40-70% of high-risk offenders' time for 3-9 months.
 - e. *Treatment Principle*: Integrate treatment into the full sentence/sanction requirements.
4. Skill Train with Directed Practice (use Cognitive Behavioral treatment methods).
5. Increase Positive Reinforcement.
6. Engage Ongoing Support in Natural Communities.
7. Measure Relevant Processes/Practices.
8. Provide Measurement Feedback.

The listing of these eight principles is not meant to imply a temporal order to their implementation, or a hierarchy of importance. The principles are mutually reinforcing, and coordinated implementation brings the benefits of each. However, research does indicate that the targeting of interventions is the core of evidence-based practice. Research indicates that resources are used more effectively when they are focused on higher-risk rather than lower-risk offenders, therefore considering offenders' risk to reoffend and subsequently addressing criminogenic needs allows agencies to target resources on higher-risk offenders.

1) Assess Actuarial Risk/Needs.

Develop and maintain a complete system of ongoing offender risk screening/triage and needs assessments. Assessing offenders in a reliable and valid manner is a prerequisite for the effective management (i.e., supervision and treatment) of offenders. Timely, relevant measures of offender risk and need at the individual and aggregate levels are

Questions to Ask:

- *Does the assessment tool we're using measure for criminogenic risk and need?*
- *How are officers trained to conduct the assessment interview?*
- *What quality assurance is in place to ensure that assessments are conducted appropriately?*
- *How is the assessment information captured and used in the development of caseplans?*

essential for the implementation of numerous principles of best practice in corrections, (e.g., risk, need, and responsivity). Offender assessments are most reliable and valid when employees are formally trained to administer tools. Screening and assessment tools that focus on dynamic and static risk factors, profile criminogenic needs, and have been validated on similar populations are preferred. They should also be supported by sufficiently detailed and accurately written procedures.

Offender assessment is as much an ongoing function as it is a formal event. Case information that is gathered informally through routine interactions and observations with

offenders is just as important as formal assessment guided by instruments. Formal and informal offender assessments should reinforce one another. They should combine to enhance formal reassessments, case decisions, and working relations between practitioners and offenders throughout the term of supervision.

(Andrews & Bonta 2006; Bonta 1996; Gendreau, et al, 1996; Hollin, 2002; Hubbard et al 2001)

2) Enhance Intrinsic Motivation.

Employees should relate to offenders in interpersonally respectful and constructive ways to enhance intrinsic motivation in offenders. Behavioral change is an *inside job*; for lasting change to occur, a level of intrinsic motivation is needed. Motivation to change is dynamic and the probability that change may occur is strongly influenced by interpersonal interactions, such as those with probation officers, treatment providers, and institution employees. Feelings of ambivalence that usually accompany change can be explored through motivational interviewing, a style and method of communication used to help people overcome their ambivalence regarding behavior changes. Motivational

interviewing depends on a patient process of helping offenders to see discrepancies between how they behave and what they say they want. Research strongly suggests that motivational interviewing techniques, rather than persuasion tactics, effectively enhance motivation for initiating and maintaining behavior changes.

(Burke et al 2003; Clark et al 2006; Ginsburg, et al, 2002; Miller & Rollnick, 2002)

Questions to Ask:

- *Are officers and program staff trained in motivational interviewing techniques?*
- *What quality assurance is in place?*
- *Are staff held accountable for using motivational interviewing techniques in their day-to-day interactions with offenders?*

3) Target Interventions.

A. RISK PRINCIPLE: Prioritize supervision and treatment resources for higher risk offenders.

B. NEED PRINCIPLE: Target interventions to criminogenic needs.

C. RESPONSIVITY PRINCIPLE: Be responsive to temperament, learning style, motivation, gender, and culture when assigning to programs.

D. DOSAGE: Structure 40-70% of high-risk offenders' time for 3-9 months.

E. TREATMENT PRINCIPLE: Integrate treatment into the full sentence/sanction requirements.

- a) **Risk Principle: prioritize primary supervision and treatment resources for offenders who are at higher risk to re-offend.** Research indicates that supervision and treatment resources that are focused on lower-risk offenders tend to produce little if any net positive effect on recidivism rates. Shifting these resources to higher risk offenders promotes harm-reduction and public safety because these offenders have greater need for pro-social skills and thinking, and are more likely to be frequent offenders. They are also more likely to be in need of structured pro-social activities, versus low risk offenders who may already be positively engaged in the community. Reducing the recidivism rates of these higher risk offenders reaps a much larger return on investment, since they contribute to the greatest percentage of repeat offenses. Successfully addressing this population requires smaller caseloads, the application of well-developed case plans, and placement of offenders into sufficiently intense cognitive-behavioral interventions that target their specific criminogenic needs.

(Andrews and Dowden, 2006; Gendreau, 1996; Lowenkamp et al, 2006; McGuire, 2001)

- b) **Criminogenic Need Principle: address offenders' greatest criminogenic needs.** Offenders have a variety of needs, some of which are directly linked to criminal behavior. These criminogenic needs are dynamic risk factors that, when addressed or changed, affect the offender's risk for recidivism. According to meta-analytic research, the eight most significant criminogenic needs are: antisocial behavior; antisocial personality; criminal thinking; criminal associates; dysfunctional family; employment and education; leisure and recreation; and

substance abuse. Based on an assessment of the offender, these criminogenic needs can be prioritized so that services are focused on the greatest criminogenic needs.

(Andrews & Bonta, 2006; Harland, 1996; Ward & Stewart, 2003)

c) **Responsivity Principle: consider individual characteristics when matching offenders to services.**

These characteristics include, but are not limited to: culture, gender, motivational stages, developmental stages, and learning styles. These factors influence an offender's responsiveness to different types of treatment. The principle of responsivity also requires that offenders be provided with treatment that is proven effective with the offender population. Certain treatment strategies, such as cognitive-behavioral methodologies, have consistently produced reductions in recidivism with offenders under rigorous research conditions. Providing appropriate responsivity to offenders involves selecting services in accordance with these factors, including: a) Matching treatment type to offender; and b) Matching style and methods of communication with offender's stage of change readiness.

(Andrews & Kiesling, 1980; Birgden, 2004; Miller & Rollnick, 2002; Prochaska & DiClemente, 1984)

Questions to Ask:

- *How do we manage offenders assessed as low risk to reoffend?*
- *Does our assessment tool assess for criminogenic need?*
- *How are criminogenic risk and need information incorporated into offender caseplans?*
- *How are offenders matched to treatment resources?*
- *How structured are our caseplans for offenders, especially during the three to nine month period in the community after leaving an institution?*
- *How are staff held accountable for using assessment information to develop a caseplan and then subsequently using that caseplan to manage an offender?*

d) **Dosage: providing appropriate quantities of services, pro-social structure, and supervision is a strategic application of resources.**

Higher risk offenders require significantly more initial structure and services than lower risk offenders. During the initial three to nine months on post-release supervision, 40%-70% of their free time should be clearly occupied with delineated routine and appropriate services, (e.g., outpatient treatment, employment assistance, education, etc.) Certain offender subpopulations (e.g., severely mentally ill, chronic dual diagnosed, etc.) commonly require strategic, extensive, and extended services. However, too often individuals within these subpopulations do not receive a coordinated package of supervision/services. The evidence indicates that incomplete or uncoordinated approaches can have negative effects, often wasting resources. In addition to referring offenders to treatment and other structured activities, the officer must

determine whether offenders are engaging in these activities and attending and completing treatment.

(Bourgon & Armstrong, 2005; Gendreau & Andrews 2001; Palmer, 1995)

- e) **Treatment Principle: treatment, particularly cognitive-behavioral types, should be applied as an integral part of the sentence and sanction process.** In addition to considering risk and seriousness of offense, integrate treatment into sentence and sanction requirements through assertive case management (taking a proactive and strategic approach to supervision and case planning). Delivering targeted and timely treatment interventions focused on criminogenic needs will provide the greatest long-term benefit to the community, the victim, and the offender. This does not necessarily apply to lower risk offenders, who should be diverted from the criminal justice and corrections systems whenever possible. When low risk offenders attend treatment that exposes them to higher risk offenders, the benefits of the treatment are negligible while the exposure to higher-risk peers can be detrimental. In addition, treatment attendance, while offering needed structure for high-risk offenders can disrupt existing involvement in prosocial community activities among low-risk offenders.
(Lipsey et al, 2001; MacKenzie, 2006; Milkman & Wanberg, 2007; Taxman & Byrne, 2001)

4) Skill Train with Directed Practice (using cognitive behavioral treatment methods)

Provide evidence-based programming that emphasizes cognitive behavioral strategies and is delivered by well-trained employees. These strategies can be applied in treatment settings, but also in routine interactions between officers and offenders. To successfully deliver this intervention to offenders, employees must understand antisocial thinking, social learning, and appropriate communication techniques, and be able to identify and redirect anti-social thinking. Skills are not just taught to the offender, but are practiced or role-played and the resulting pro-social attitudes and behaviors are positively reinforced by employees. Correctional agencies should prioritize, plan, and budget to predominantly implement programs that have been scientifically proven to reduce recidivism.

(Allen et al, 2001; Landenberger & Lipsey, 2005; Lipsey et al, 2001; Milkman & Wanberg, 2007; Sundel & Sundel, 2005)

Questions to Ask:

- *How are social learning techniques incorporated into the programs we deliver?*
- *How do we ensure that our contracted service providers are delivering services in alignment with social learning theory?*
- *Are the programs we deliver and contract for based on scientific evidence of recidivism reduction?*

5) Increase Positive Reinforcement

When learning new skills and making behavioral changes, human beings respond better and maintain learned behaviors for longer periods of time, when approached

with carrots rather than sticks. Behaviorists recommend applying a much higher ratio of positive reinforcements to negative reinforcements in order to better achieve sustained behavioral change. Rewards do not have to be applied consistently to be effective (as negative reinforcement does) but can be applied randomly.

Increasing positive reinforcement should not be done at the expense of or undermine administering swift, certain, and real responses for negative and unacceptable behavior.

Questions to Ask:

- *Do we model positive reinforcement techniques in our day-to-day interactions with our co-workers?*
- *Do our staff understand and use the four-to-one theory in their interactions with offenders?*

Offenders having problems with responsible self-regulation generally respond positively to reasonable and reliable additional structure and boundaries. Offenders may initially overreact to new demands for accountability, seek to evade detection or consequences, and fail to recognize any personal responsibility. However, with exposure to clear rules that are consistently (and swiftly) enforced with

appropriate graduated consequences, offenders and people in general, will tend to comply in the direction of the most rewards and least punishments. This type of extrinsic motivation can often be useful for beginning the process of behavior change. (Gendreau, 1996; Gendreau & Andrews 2001; Higgins & Silverman, 1999; Sundel & Sundel, 2005)

6) Engage On-going Support in Natural Communities

Realign and actively engage pro-social supports for offenders in their communities. Research indicates that many successful interventions with extreme populations (e.g., inner city substance abusers, homeless, dual diagnosed) actively recruit and use family members, spouses, and supportive others in the offender's immediate environment to positively reinforce desired new behaviors. This Community Reinforcement Approach (CRA) has been found effective for a variety of behaviors (e.g., unemployment, alcoholism, substance abuse, and marital conflicts). In addition, relatively recent research now indicates the efficacy of twelve step programs, religious activities, and restorative justice initiatives that are geared towards improving bonds and ties to pro-social community members. This is especially important for offenders who are returning to the community from prison or jail.

Questions to Ask:

- *Do we engage community supports for offenders as a regular part of case planning?*
- *How do we measure our community network contacts as they relate to an offender?*

(Azrin et al, 1982; Braithwaite, 1989; Higgins & Silverman, 1999; Lattimer et al (2005); Meyers et al, 2002 & 2005; O'Connor & Perryclear, 2003; Smith & Meyer, 2004)

7) Measure Relevant Processes/Practices

Accurate and detailed documentation of case information, along with a formal and valid mechanism for measuring outcomes, is the foundation of evidence-based practice. Agencies must routinely assess offender change in cognitive and skill development, and evaluate offender recidivism, if services are to remain effective. In addition to routinely measuring and documenting offender change, employee performance should also be regularly assessed. Employees that are periodically evaluated for performance achieve greater fidelity to program design, service delivery principles, and outcomes. Employees whose performance is not consistently monitored, measured, and subsequently reinforced work less cohesively, more frequently at cross-purposes and provide less support to the organization's mission.

(Bernstein et al, 2001; Dilulio, et al 1993; Gendreau and Andrews, 2001; Henggeler et al, 1997; Quay, 1977; Lowenkamp et al, 2006; Milhalic & Irwin, 2003; Waltz et al, 1993)

Questions to Ask:

- *What data do we collect regarding offender assessment and case management?*
- *How do we measure incremental offender change while they are under supervision?*
- *What are our outcome measures and how do we track them?*
- *How do we measure staff performance? What data do we use? How is that data collected?*

8) Provide Measurement Feedback

Once a method for measuring relevant processes/practices is in place (principle seven), the information must be used to monitor process and change. Providing

Questions to Ask:

- *How is information regarding offender change and outcomes shared with officers? With offenders?*
- *With whom do we share information regarding outcome measures?*
- *How is staff performance data used in the performance evaluation process?*

feedback to offenders regarding their progress builds accountability and is associated with enhanced motivation for change, lower treatment attrition, and improved outcomes (e.g., reduced drink/drug days; treatment engagement; goal achievement). The same is true within an organization. Monitoring and evaluating delivery of services and fidelity to procedures helps build accountability and maintain integrity to the organization's mission. Regular performance audits and appropriately applied case reviews with an eye on improved outcomes, keep employees focused on the ultimate goal of reduced

recidivism through the use of evidence-based principles.

(Alvero et al, 2001; Gendreau & Andrews, 2001; Harris and Smith, 1996; Klein & Teilmann 1980; Ludeman, 1991; Quay, 1977; Zemke, 2001)

2. The Principles and Effective Relationships

The lynchpin of effective practice is the relationship between corrections professionals and clients. Offenders' attitudes and behavior can be influenced by their interactions with supervision officers and treatment providers. The use of specific skills by corrections employees to develop effective relationships with clients that reinforce the principles outlined above are therefore critical to reduced recidivism and improved public safety. In fact, the importance of a good working relationship can be a key component for achieving successful outcomes. This relationship includes demonstrating respect, building rapport, balancing enforcement with treatment, and maintaining focus on criminogenic needs. (Andrews & Bonta, 2006; Bonta et al, 2008; Skeem and Manchak, 2008; Gendreau, et al 2002; Taxman, 2002; Trotter 1996, 1999, 2000).

A well-known model of intervention focused on the supervisory relationship, rather than on the features of a given intervention program, is that developed by Chris Trotter (1999, 2000). The central principles of Trotter's pro- social modeling approach include:

- **Role clarification:** involving frequent and open discussions about roles, purposes, expectations, the use of authority, negotiable and non-negotiable aspects of intervention and confidentiality.
- **Pro-social modeling and reinforcement:** involving the identification, reward and modeling of behaviors to be promoted and the identification, discouragement and confrontation of behaviors to be changed.
- **Problem solving:** involving the survey, ranking and exploration of problems, goal setting and contracting, the development of strategies and ongoing monitoring.
- **Relationship:** involving the worker being open and honest, empathetic, able to challenge and not minimize rationalizations, non-blaming, optimistic, able to articulate the client's and family members' feelings and problems, using appropriate self-disclosure and humor.

The development of effective relationships requires the use of communication, engagement, counseling and inter-personal skills. Attempts to influence offenders positively require these skills to be deployed as part of relationships based on moral legitimacy in the eyes of offenders. These relationships are important to creating an environment where offenders feel they can trust the officers, and to a large extent have some desire to comply with their conditions.

It is unlikely that anything can be achieved in work with offenders unless and until such effective working relationships are first established and then maintained (McNeil et al, 2005).

At the same time, it is important to recognize that for offenders the process of change is a difficult and lengthy one, interrupted by frequent reversals and relapses. This may require correctional employees to use their relationship skills to work with offenders to develop new accounts or 'narratives' about their own identity and their ability to take charge of

their own lives rather than remain victims of circumstances (Maruna, 2000; Farrall, 2002; Burnett, 2004).

Emerging research in the area of officer-client relationships describes the dual role of community corrections officers and its importance to offender success (Paparozzi and Gendreau, 2005; Skeem and Manchak, 2008). Community corrections officers often struggle with defining their role: should their focus be on law enforcement and accountability, or rehabilitation and social support? The answer is both. A balance between supervisory and relational approaches yields optimal outcomes.

Case Study: Maryland's Proactive Community Supervision

In Maryland, a proactive community supervision (PCS) model has been developed to work with offenders. The model adopts a risk-need-responsivity approach where the agency uses a risk and need tool to identify appropriate treatment and control services and then assigns offenders to such services. As part of the approach a social learning environment is created that makes supervision officers active in facilitating offender change.

The social learning environment uses research-based behavioral management strategies to work with supervisees identifying realistic and pertinent behavioral goals, and implementing strategies for supervisees to achieve these goals. The process is designed to engage supervisees in the supervision process and increase their commitment to and ownership of the goals. Supervisees tailor the supervision period to their own personal needs and goals while also satisfying the public safety purposes of supervision. The goal is to empower the offender.

Staff take on the role of a behavioral manager who helps supervisees in learning about their own behavior; understanding the links between their behavior and their involvement with the criminal justice system, and crafting responses to their behavior. It is a move away from traditional accountability mechanisms to shared decision-making models where the offender weighs the methods to ameliorate negative outcomes.

The results have been impressive. Evaluation found that offenders who were supervised under the PCS model were less likely to be rearrested and less likely to have a warrant issued for technical violations. It has led to staff perceiving their job to be facilitators of offender change, and working with offenders to improve supervision outcomes. Staff have developed techniques that led to them working with more difficult cases for longer periods of time to assist the offender in efforts to address criminogenic risk/need factors.

(Taxman 2008; Taxman and Thanner, 2004; Sachwald et al 2006)

Taken together, these principles have the potential to improve public safety outcomes and to ensure that resources are being used efficiently. However, knowledge of the principles is not enough to ensure their effectiveness. Correctional systems and their component organizations must put the systems in place to support the principles, employees must have the skills they need to implement the principles, and the quality of implementation must be regularly monitored so that improvements can be made. This requires a fundamental change in the way organizations do business. The next chapter describes

approaches for EBP implementation, followed by a chapter on developing an evidence-based organization.

Appendix C

“Probation and Parole Violations: An
Overview of Critical Issues” in *Responding
to Parole & Probation Violations*

(Peggy Burke 2001)



Responding to **Parole & Probation Violations**

*A Handbook to Guide
Local Policy Development*

Responding to Parole and Probation Violations

A Handbook to Guide Local Policy Development

*Edited by Madeline M. Carter, Senior Associate
Center for Effective Public Policy, Silver Spring, Maryland*

April 2001

Probation and Parole Violations: An Overview of Critical Issues

Peggy Burke

When the National Institute of Corrections (NIC) first began its series of technical assistance projects addressing violation practices for probation and parole in the late 1980s, the urgency of the issue arose from several concerns. Many of those concerns remain unaddressed today, while other issues have emerged to make an interest in violation responses more critical than ever.

Violation Issues in Context

The community corrections dilemma

At the end of 1998, roughly 3.8 million individuals in the United States were under some form of correctional supervision in the community—probation, parole, or other community corrections program.¹ That is a staggering number—more than double the population of offenders in American prisons and jails.

Probation and parole agencies are asked to supervise and manage these individuals safely and economically. Every judge, prosecutor, parole board member, and probation and parole officer knows that, ultimately, the safety of our communities and the credibility of the criminal justice system are at issue.

Because offenders under community supervision vastly outnumber those already incarcerated in our prisons and jails, the task facing probation

Components of the Process
Establish/maintain policy team
Assess current practice
Agree on goals
Explore policy options
Assess impact of options
Implement new policies/practices
Monitor and assess new policies/practices (ongoing)

and parole agencies is extremely challenging. The fiscal and operational reality is that not every individual on probation or parole can—or should—be removed from the community at the first sign of a problem. Rather, it is important to know who among those problem probationers and parolees needs to be removed quickly from the community and who can be managed safely in the community through some other response. Unarguably, if our jails and prisons are filled with offenders who are merely noncompliant, there will be no room for dangerous offenders. One can make the case that sensible violation policies are essential to the credibility of the system. It is not surprising, then, that parole and probation agencies recognize that they need to pay attention to the way in which they respond to violations of supervision, particularly to technical violations that do not involve new criminal behavior.

If our jails and prisons are filled with offenders who are merely noncompliant, there will be no room for the dangerous offender.

It is extremely troubling, then, that one of the most recent attempts to “reinvent probation,” spearheaded by the Center for Civic Innovation based at the Manhattan Institute, has sounded the alarm that “widespread political and public dissatisfaction with community corrections has often been totally justified.”² Further, authors Terryl Arola and Richard Lawrence indicate that only one-fifth of those who violate the terms of their probation supervision go to jail. The assumption seems to be that quick arrest is the most appropriate response for technical violations. This contradicts the experiences of the NIC-sponsored violation projects.

Prison and jail crowding

With the growth in prison populations slowing somewhat (during 1998, the prison population nationwide grew at a rate of 4.8 percent over the previous year, the smallest rate of growth since 1979³), there seems to be less concern over the impact of violators on prison and jail populations. However, roughly 172,600 admissions to prison in 1996 were probation or parole violators—about one-third of the total. Of those violators, about two-thirds—more than 114,000—had no new sentence. Technical violations were most likely the reason for their incarceration.⁴ Some would argue that the absence of a new sentence does not mean the absence of new criminal behavior. It may simply indicate that revocation on technical grounds was pursued in lieu of a new criminal proceeding. This is undoubtedly true for some revocations. However, experience on the NIC projects indicates that a significant number of such revocations are exclusively the result of technical violations. This information would indicate that the concerns emerging in the late 1980s about admissions to prison as a result of violations—and their impact on the prison population—are still well founded.

The picture in jails is somewhat more difficult to document. A Bureau of Justice Statistics (BJS) Special Report indicated that almost half of jail inmates were on either probation or parole when they were admitted to jail.⁵ Although BJS documents that only 3 percent of jail inmates were in custody for a probation or parole violation, anecdotal information from

jurisdictions participating in the NIC projects suggests that this percentage is much higher. Parole and probation violators awaiting violation hearings or transfer to State institutions after revocation hearings are likely a significant portion of our crowded jail populations—as well as a source of friction between local and State governments and their respective correctional agencies.

In one jurisdiction participating in a NIC project, it was estimated that, in addition to the equivalent of more than two full-time probation officers, the equivalent of a full-time judge, prosecutor, and courtroom staff was consumed by the various stages of the probation violation process.

Workload

In addition to the burden that parole and probation violators place on crowded jail and prison facilities, the handling of violators by supervision agencies, the courts, and parole boards

If we focus on the lessons emerging from the research about “what works” in managing offenders, we find that it is the treatment and rehabilitative resources linked to probation or parole—rather than surveillance or enforcement—that have a demonstrable effect on reduced recidivism.

also has drawn attention. For example, probation violators—who are processed through crowded courtrooms and, in some jurisdictions, may require multiple appearances in court for arraignment, violation, and dispositional hearings—can consume a significant portion of the court’s time, energy, and resources. Often, violation hearings are not scheduled but simply “worked into” an already crowded calendar, which requires that probation officers wait in the courthouse for a hearing to be called. In one jurisdiction participating in a NIC project, it was estimated that, in addition to the equivalent of more than two full-time probation officers, the equivalent of a full-time judge, prosecutor, and courtroom staff was consumed by the various stages of the probation violation process.

Responding to violations in a timely fashion

Given the due process requirements of handling violations, along with the general backlog found in most courts and parole dockets, months often pass between a violation and formal disposition. A response several months after a violation is not likely to achieve a specific result linked to the violation behavior. For example, if the intent of dealing more effectively with a drug-using offender is to get him or her into a different or more intensive treatment regime and provide job placement assistance, the current formal violation process is a slow and ineffective tool.

Many agencies in the NIC-sponsored projects sought to either streamline or replace their formal hearing processes. The formal processes were supplanted by more informal procedures

designed to intervene quickly and appropriately during the course of an offender's supervision. Indeed, if we focus on the lessons emerging from the research about "what works" in managing offenders, we find that it is the treatment and rehabilitative resources linked to probation or parole—rather than surveillance or enforcement efforts alone—that have a demonstrable effect on reducing recidivism.

In her article "A Decade of Experimenting With Intermediate Sanctions," Joan Petersilia says:

[A]n important and tantalizing finding—consistent across all the evaluations regardless of program design—points to the importance of combining surveillance and drug treatment program participation. In the RAND ISP [Intensive Supervision Program] demonstration, offenders who participated in treatment, community service, and employment programs—prosocial activities—had recidivism rates 10 to 20 percent below that of those who did not participate in such additional activities.⁶

Researchers have found similar results in Massachusetts, Ohio, and Oregon, and a recent meta-analysis of 175 evaluations of intermediate sanctions programs concluded that the combination of surveillance and treatment is associated with reduced recidivism.⁷ Paul Gendreau and Tracy Little state: "In essence, the supervision of high-risk probationers and parolees must be structured, [be] intensive, maintain firm accountability for program participation, and connect the offenders with prosocial networks and activities."⁸

The empirical evidence regarding intermediate sanctions is decisive: Without a rehabilitation component, reductions in recidivism are elusive.

Consistency and equity in responding to violations

Another reason often given for an interest in the violation issue is the need and desire for a certain amount of consistency and equity in handling violations. In an agency with many probation or parole officers, there is the possibility that similar violations will be handled differently, even when everyone is operating in good faith. Differences in personal philosophy, supervision style, and interpretations of agency policy can generate unintentional disparities in violation responses. This is one of the most frequent reasons agency policymakers become interested in looking more closely at the violation process.

Indeed, among those jurisdictions that looked empirically at the practice of responding to violations, it is common to find considerable disparity in their handling. One offender may have a record of numerous technical violations and still be on supervision, while another may have his or her parole or probation revoked after only one minor technical violation. This raises questions of fairness and, absent clear rationale for these differences, can often undermine the credibility of the supervising agency.

Defining success as a goal of supervision

What many agencies involved in the NIC projects discovered is that a thorough review of how best to respond to violations cannot be undertaken without also reexamining an agency's approach to supervision and considering the following questions:

- Why do we supervise probationers and parolees?
- What is "successful" supervision?
- What is "unsuccessful" supervision?
- Where is the line drawn between the two?
- When is a violation serious enough to warrant revocation?
- When are responses other than revocation appropriate?

This reexamination of violation responses fits well with the work that many parole and probation agencies began during the 1990s. As one

"Make sure your philosophy is clear. Understand what you want to do in supervision and what you want to achieve. This forms the basis for going forward. The rest of it is just strategy. People have to know where they're going and what they want as outcomes."

—Supervision agency supervisor

EXHIBIT 1-1.

**Typical “New Generation” Policy Language
Regarding Violations**

The purpose of the “new generation” policy is to provide a framework to guide officer decisionmaking when a violation of probation occurs. A clear, consistent understanding of the steps to be taken when responding to violation behavior should increase officer autonomy and reduce the filing of petitions to revoke probation in cases in which a response short of revocation and incarceration is appropriate.

Administrative violations of the conditions of probation are inevitable. It is unrealistic to believe that offenders, even if they sincerely desire to develop drug-free, prosocial lifestyles, will immediately have the skills or abilities to meet their goals. The issues and forces that brought them into the system will most likely continue to influence their behavior to some extent until they learn new coping skills.

All responses to violation behavior should consider the agency’s mission and philosophy as well as the goals of the supervision process. Although protection of the community should be the primary consideration, it does not follow that revocation is always, or even usually, the most effective or efficient way of achieving this goal.

The goal of community supervision is to intervene selectively and proactively with offenders to reduce the likelihood of future criminal activity and promote compliance with the supervision strategy. Strategies involve holding offenders accountable for their actions, monitoring and controlling offender behavior, and developing rehabilitation programs specific to offender needs. Another significant goal of the supervision strategy is to ensure an appropriate and proportionate departmental response to all violations of the conditions of probation, taking into account offender risk, the nature of the violation, and the objective of offender accountability.

The basic expectations underlying the department’s policy regarding probation violations are:

- There will be a response to every detected violation.
- The response to a violation will be proportional to the risk to the community posed by the offender, the severity of the violation, and the current situational risk.
- The least restrictive response that is necessary to respond to the behavior will be used.
- There will be consistency in handling similar violation behavior given similar risk factors.
- The response to a violation should hold some potential for long-term positive outcomes in the context of the supervision strategy.
- Although response to violation behavior is determined by considering both risk and need, risk to the community is the overriding consideration.
- A probationer or parolee who demonstrates a general unwillingness to abide by supervision requirements or who poses undue risk to the community should be subject to a Petition to Revoke Probation or Parole.

agency administrator advises, prior to revamping violation practice: “Make sure your philosophy is clear. Understand what you want to do in supervision and what you want to achieve. This forms the basis for going forward. The rest of it is just strategy. People have to know where they’re going and what they want as outcomes.” Exhibits 1-1 and 1-2 provide examples of the “new generation” policy developed by many jurisdictions. This policy articulates both the goal of supervision and the department’s policy regarding violation responses.

A reemerging interest in treatment

Motivated by a primary concern for public safety and discouraged by the constant recycling of offenders through the system, many probation and parole policymakers are looking for

better answers to the question of what works. Policymakers need to know whether revocation of probation will make it less likely that offenders will reoffend in the future or whether another intervention will be more effective. Indeed, many probation and parole agencies are beginning to question the assumption that revocation will “get the offender’s attention” and result in better performance.

What these policymakers are seeing is echoed in the research by Don Andrews, James Bonta, Paul Gendreau, and others. Often referred to as the “what works” literature, this research highlights the results of hundreds of studies produced during the past few decades that conclude that official punishment without treatment has not been shown to be a specific deterrent to future criminal behavior. The same literature suggests that

EXHIBIT 1-2.**Violation of Probation Policy
(City of New York Department of Probation)**

Mission

The Department of Probation, in response to probationer misconduct, promotes public safety by supervising offenders in the community through monitoring and enforcing probationer compliance with the conditions of probation and responding to misconduct in a consistent and proportional manner that takes into account:

- The severity of the misconduct.
- The risk posed by the offender.
- The threat to community safety posed by the misconduct.

The Department, by filing a Violation of Probation (VOP), seeks to remove from the community those probationers whose breaches of conduct pose undue threat to the safety of the community and/or who significantly violate the terms of their probation or continually fail to comply with supervision requirements despite corrective interventions.

Definition of VOP

The law defines VOP as:

- The commission of any crime or offense.
 - Failure to comply with any condition of probation.
 - Absconding by remaining away from the jurisdiction of the Court or by keeping one's whereabouts hidden.
-

Handling of Violations

The law does not require, however, that every violation be brought before the Court for adjudication. Violations may be handled on two levels:

- By appearance before the Court.
 - Administratively.
-

Purpose of Administrative VOP

VOPs may be handled administratively to:

- Determine if the breach of conduct is so severe as to require Court action.
 - Reach an acceptable understanding with the probationer as to his or her future conduct.
-

Policy Guidelines

The policy guidelines and principles that follow represent the department's attempt to structure the decisionmaking process and provide a rationale for determining, in response to probationer misconduct, when or whether to file a VOP, refer the matter to a newly constituted Misconduct Review Board (MRB) for strategy and review and/or for an administrative hearing, or conduct an administrative hearing at the unit level.

Guiding Principles**Principle 1**

Probation officers shall initiate a VOP *only* when the objective is to seek revocation and incarceration.

Principle 2

Absent significant risk to community safety, a recommendation to revoke probation and resentence to incarceration shall be made *only* when:

- Alternative, less restrictive intermediate sanctions are not deemed sufficient or proportional to the misconduct that has occurred, and/or
 - The graduated responses or interventions fashioned to deal with the probationer's misconduct have not been successful in effecting the probationer's compliance with the conditions of probation and/or are not likely to deter the probationer from future misconduct.
-

Violation of Probation Policy (City of New York Department of Probation)

Principle 3

Only technical violations that constitute the most serious misbehavior will result in an immediate VOP. Otherwise, MRB will review all nonviolent technical violations of probation. To ensure consistency and uniformity in terms of these decisions, both the severity of the misconduct and the degree of risk posed by the probationer shall be considered and analyzed; that is, whether the probationer is violence prone, whether the misconduct resulted in a rearrest or is a technical violation, and whether the misconduct represents a threat to community safety. Confirmed reports of assault of or threats against another person and/or threats of harm to oneself constitute community danger, whether or not the misconduct causes actual hurt or is an attempt or threat to hurt another.

Generally speaking, rearrests are considered more serious than technical violations, and rearrests for violent offenses are considered more serious than rearrests for nonviolent offenses. Any offense in which a potential for violence exists constitutes a violent offense. This includes possession of a weapon, violation of any Order of Protection reported by the complainant, child or sexual abuse, and/or a threat to carry out a violent act. A violence-prone probationer who threatens violence or harm may, by such threat, increase the dangerousness/seriousness quotient even if no arrest has been effected.

A violence-prone probationer who is AWOL (absent without leave) and/or fails to make his or her whereabouts known may, because he or she prevents us from performing our ministerial functions, presents a potential danger.

Principle 4

How one responds to absconders will vary according to the track to which the probationer is assigned. All violent track cases who abscond require a VOP. A VOP is likewise required when a probationer fails to report to the Intake and Assessment Unit after sentencing and subsequently fails to respond to a maximum of three rescheduled appointments and/or other efforts expended to get the probationer to report.

Principle 5

While a VOP requires the approval of a supervising probation officer (SPO), a request for a forthwith warrant requires the approval of the SPO and the branch chief. An assessment that the probationer's behavior poses significant and imminent risk to community safety may provide sufficient cause to seek to expedite the VOP.

Principle 6

Excepting absconders and excepting those situations in which an expedited VOP and/or forthwith warrant is (are) deemed necessary, an administrative hearing at the unit level will be a precursor to an MRB referral. The presumption is that for every technical violation, there will be a reasoned and proportionate response from the repertory or arsenal of responses that are at a probation officer's disposal, and that before reaching the decision whether to file a VOP or refer to MRB, appropriate and graduated responses will have been made, including an administrative hearing, if indicated, at the corresponding special unit level. If these interventions do not succeed in getting the probationer to modify negative behavior, then a VOP or referral to MRB may be required.

Other Principles

Other broad principles that may apply in determining responses to failures to report or other technical violations follow:

- To ensure that our efforts and resources are reserved for those at high risk for recidivism and violence, responses to low-level transgressions committed by nonviolence-prone, noncrime-prone probationers should, to the extent possible, be automatic and sequential or graduated but limited in option or scope, particularly if there exists a need to conserve

EXHIBIT 1-2.
continued

**Violation of Probation Policy
(City of New York Department of Probation)**

department resources. Responses, even if limited, should not, however, be guided purely by resources and cost-effectiveness; rather, the focus shall be on responses that are appropriate and proportionate to the misconduct.

- Not all misconduct requires formal processing of a VOP and revocation and imprisonment. Some violators may be able to remain in the community with corrective interventions that are measured and reasoned and meet identified rehabilitative needs.
- Individuals who are unwilling to abide by supervision requirements but who do not pose undue risk to the safety of the community may, in order to conserve department and court resources, be allowed to max out [complete their entire term] from probation, but not without [a written] record of their performance [while on probation] so as to guide future recommendations.
- With certain exceptions, we should never proceed with a VOP simply because we are frustrated that our supervision efforts have been thwarted, unless we have concluded that the individual poses a significant risk to community safety; whenever possible, we should use administrative and internal measures to deal with probationer intransigence and his or her failure to meet probation supervision standards.
- Sanctions should not be driven by anger or vengeance or be so emotionally laden as with angry, empty threats that cannot be carried out (without undermining the probation process).
- Sanctions should be:
 - Objective. — Specific. — Realistic.
 - Clear. — Appropriate. — Enforceable.

Sanctions should also be enforceable and achievable by the probationer.

- Interventions should be matched to the particular offender, realistically address the particular misconduct, and be considered necessary and appropriate to bring about positive or sufficient change to alter/modify/control the behavior or to encourage/assist/enable the probationer to successfully complete the probation sentence.

appropriate correctional treatment can be effective in reducing future recidivism with certain types of offenders.⁹ Given this insight, policy-makers are asking, “What interventions will be most effective in reducing future crime?” and “How can we make sure that our agency policies support these kinds of interventions as responses to technical violations of parole and probation?”

Redefining the Vision of Community Corrections

Perhaps it is because dissatisfaction with past performance has become so much a part of the conventional wisdom that one cannot open a professional journal or attend a professional conference in corrections today without coming face to face with “paradigm shifts,” “redefining probation,” or “visioning.” A sea change is occurring in the field. Regardless of the particular manifestation of this change, it has three common themes.

- The system can no longer focus exclusively on processing cases.
- The paradigm selected to replace the “processing cases” approach must include such outcomes as greater safety, greater responsiveness to victims, and reduced future criminal behavior. Those outcomes must be defined and measured, and parole and probation agencies must be held accountable to them.
- Police, prosecutors, judges, correctional officials, probation and parole officers, and community members can no longer continue to operate as if their roles, responsibilities, and perspectives are unrelated. Collaboration across traditional boundaries—agencies, branches of government, and public and private arenas—is essential.

Debate and innovation continue to reflect these themes. Discussion surrounds the concepts of restorative and community justice. The reality

is, however, that a careful reassessment of responses to violation behavior becomes even more critical as these changes take place, for this is an arena through which supervision agencies can carefully define and carry out their vision in significant ways.

In the course of reworking violation policy, agencies have begun to rethink supervision and, in some instances, to “reinvent” themselves. In the same way that law enforcement agencies have begun to redefine their work as “community” or “problem oriented” policing, probation and parole agencies are beginning to see themselves as more in the business of “community justice.”¹⁰

Innovative responses to violation behavior contain the seeds of such a revolution in community corrections. Some agencies make every effort to ensure the success of probationers. This includes not simply responding to noncompliance but also working to ensure community safety, mobilizing community resources to break the cycle of addiction and violence, facilitating restoration of the community through community service and victim restitution, and partnering with law enforcement and community agencies to respond to the demands of the community for a greater sense of security.

Thus, what began as a modest attempt to fine tune violation policy may prove to be a critically important step for probation and parole agencies as they strive to reinvent a supervision system to effectively manage offender behavior.

Notes

1. Beck, Allen J., and Christopher J. Mumola, 1999, *Prisoners in 1998*, Bulletin, NCJ 175687, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1.
2. Arola, Terryl, and Richard Lawrence, 2000, “Broken Windows Probation: The Next Step in Fighting Crime,” *Perspectives* (Winter): 27.
3. Beck and Mumola, *Prisoners in 1998*, 2.
4. Bureau of Justice Statistics, 1999, *Sourcebook of Criminal Justice Statistics, 1998*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 521, table 6.74.
5. Harlow, Caroline Wolf, 1998, *Profile of Jail Inmates, 1996*, Special Report, NCJ 164620, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1.
6. Petersilia, Joan, 1999, “A Decade of Experimenting With Intermediate Sanctions: What Have We Learned,” *Perspectives*, (Winter): 42.
7. *Ibid.*, 39–44.
8. Gendreau, Paul, and Tracy Little, 1993, “A Meta-analysis of the Effectiveness of Sanctions on Offender Recidivism,” unpublished manuscript, University of New Brunswick, Saint John.
9. Andrews, Don, James Bonta, and Paul Gendreau, 1994, *The Psychology of Criminal Conduct*, Cincinnati: Anderson Publishing Company.
10. Joyce, Nola M., 1996, “Bringing the Community into Community Corrections: The Role of Risk Assessment,” in *Community Justice: Striving for Safe, Secure, and Just Communities*, Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 36–40; and Dickey, Walter J., 1996, “Why Neighborhood Supervision?” in *Community Justice: Striving for Safe, Secure, and Just Communities*, Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 41–44.